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Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCES

The following Ordinance was passed by Hilliard City Council on May 10, 2021.

21-16 AMENDING SECTION 149.05 OF THE HILLIARD CODIFIED ORDINANCES REGARDING TERM LENGTH FOR MEMBERS OF THE PUBLIC ARTS COMMISSION.

WHEREAS, the Council of the City of Hilliard established Code Section 149.05 and the Public Arts Commission ("PAC") by Resolution No. 16-R-76 on October 24, 2016; and

WHEREAS, City Council has appointed/reappointed members to the PAC and desires to ensure that all terms of members are overlapping; and

WHEREAS, changes to Section 149.05, as shown in Exhibit "A", attached hereto and incorporated herein, will ensure that member's terms are overlapping; and

WHEREAS, amending the City's Codified Ordinances, as identified in Exhibit "A", attached hereto and incorporated herein, is in the best of interest of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. Council finds that amending Section 149.05, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 149.05, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

SECTION 2. All other provisions of Section 149.05, not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Ordinance shall be in effect from and after the earliest time provided for by law.

RESOLUTIONS

The following Resolutions were passed by Hilliard City Council on May 10, 2021.

21-R-33 APPROVING CHANGES TO SUBAREA 3 OF THE SOMA COMPANY PLANNED UNIT DEVELOPMENT ("PUD") TO PERMIT A PHARMACY FACILITY USE.

WHEREAS, City Council approved a Planned Unit Development District ("PUD") consisting of 146.421 acres of land for the Soma Company by the passage of Ordinance No. 98-36, effective November 25, 1998 (the "SOMA PUD"); and

WHEREAS, City Council approved modifications to the SOMA Company PUD Development Plan and Text by Resolution

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No. 00-C-61, effective January 23, 2001; by Resolution No. 01-C-30 (Amended), effective July 23, 2001; by Resolution No. 002-C-03, effective January 28, 2002; by Resolution No. 03-C-18, effective July 14, 2003; by Resolution No. 05-R-04, effective January 24, 2005; by Resolution No. 07-R-24, effective August 27, 2007; by Resolution No. 08-R-02, effective January 28, 2008; by Resolution No. 08-R-22, effective July 14, 2008; by Resolution No. 13-R-77, effective November 4, 2013; and by Resolution No. 14-R-45, effective April 28, 2014; and

WHEREAS, MPA Hilliard LLC owns 2.996+/- acres of land consisting of a portion of Subarea 3 in the SOMA PUD, identified by the Franklin County Auditor's Office as tax parcel identification number 050-010592, as more particularly shown on Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, at its regularly scheduled and advertised meeting on April 8, 2021, the City's Planning and Zoning Commission, citing findings that retail use is not permitted and the proposed use substantially deviates from the approved Concept Plan, voted 4-3 to forward a negative recommendation to City Council concerning the proposal to modify the Soma Company PUD Concept Plan Text to permit a pharmacy facility use within the Office portion of Subarea 3; and

WHEREAS, a copy of the amended portion of the SOMA PUD Concept Plan Text is attached hereto as Exhibit "B" and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The Concept Plan Text for the SOMA PUD is amended to permit a pharmacy use within the Office portion of Subarea 3 within the 2.996+/- acres identified by the Franklin County Auditor's Office as tax parcel identification number 050-010592 as more particularly shown on Exhibit "A", **attached** hereto and incorporated herein.

SECTION 2. The amended Concept Plan Text, **attached** hereto as Exhibit "B" and incorporated by reference herein, is approved and shall hereafter be included in the Soma Company PUD Concept Plan Text.

SECTION 3. This Resolution is effective at the earliest time provided for by law.

21-R-34 **AUTHORIZING THE CITY MANAGER TO EXECUTE A QUIT CLAIM DEED CONVEYING 0.078± ACRES OF LAND ALONG HAYDEN RUN ROAD TO THE FRANKLIN COUNTY COMMISSIONERS.**

WHEREAS, the City of Hilliard owns approximately 4.421 acres of land on the Heritage Rail Trail (the "City Property"), identified as Parcel No. 053-000001 by the Franklin County Auditor's Office and as depicted on Exhibit "A", **attached** hereto and incorporated herein; and

WHEREAS, the northern edge of the City Property extends to the center line of Hayden Run Road; and

WHEREAS, Hayden Run Road at its intersection with the Heritage Rail Trail is owned and maintained by the Franklin County Engineer's Office ("FCEO"); and

WHEREAS, FCEO is undertaking a drainage improvement project on Hayden Run Road (the "Project") and needs to acquire additional public road right-of-way on the City Property; and

WHEREAS, the additional public right-of-way is a narrow strip of 0.078± acres, conveyed to the Franklin County Commissioners, and defined on Exhibit "B", **attached** hereto and incorporated herein; and

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WHEREAS, City staff has communicated with FCEO to incorporate some necessary improvements at the intersection of Hayden Run Road and the Heritage Rail Trail into the drainage improvements plan for the Project; and

WHEREAS, it is to the interest and benefit of the City of Hilliard and the public at large that the City convey the deed for public right-of-way to the Developer for the City Property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City Manager is authorized to convey 0.078± acres of land to the Developer by quit claim deed, **attached** hereto as Exhibit "C" and incorporated herein.

SECTION 2. The City Manager and the City Law Director are authorized to approve any necessary administrative changes to the deed and to affect the proper form and recording of it conveying the 0.078± acres to the Franklin County Commissioners.

SECTION 3. This Resolution is effective upon its adoption.

21-R-35 **AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EASEMENT AGREEMENT WITH GRAND COMMUNITIES, LLC GRANTING A 0.042 ±ACRE MULTI-USE PATH EASEMENT LOCATED AT THE NORTHWEST CORNER OF ALTON & DARBY CREEK RD AND MUIR PKWY.**

WHEREAS, the City of Hilliard will be constructing a crosswalk improvement on Alton & Darby Creek Road between Fairway Commons Drive and Muir Parkway (hereinafter the "Project"); and

WHEREAS, the Project requires the realignment of an existing trail on the west side of Alton & Darby Creek Road to connect to the trail system located within the Heritage Preserve subdivision; and

WHEREAS, the proposed trail realignment is located within Reserve E in the Heritage Preserve Section 1 plat, which was accepted by Hilliard City Council on April 14, 2014 by Resolution No. 14-R-10; and

WHEREAS, Grand Communities, LLC and the City of Hilliard are co-owners of Reserve E; and

WHEREAS, Reserve E currently includes the Heritage Preserve entry sign and may be conveyed as public right-of-way, if needed, in the future; and

WHEREAS, Grand Communities, LLC has executed an Easement Agreement for Multi-Use Pedestrian Pathway for 0.042 ±acres of real property as identified on Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the City of Hilliard desires to accept the easement to ensure proper construction, operation, and maintenance of the proposed trail; and

WHEREAS, it is in the interest and benefit of the City of Hilliard and the public at large that the City enter into this easement agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. The City Manager is authorized to execute the Easement Agreement for Multi-Use Pedestrian Pathway, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

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SECTION 2. Upon recording of the easement, the 0.042 ±acres are granted to the City as a public easement.

SECTION 3. The City Manager is authorized to approve any necessary administrative changes to the Easement Agreement to affect the proper form and recording of the easement granting the 0.042 ±acres to the City as a multi-use pedestrian pathway easement.

SECTION 4. This Resolution is effective upon its adoption.

21-R-36 **AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED COMMUNITY REINVESTMENT AREA ("CRA") AGREEMENT WITH AMAZON DATA SERVICES, INC. ("COMPANY") FOR THE CONSTRUCTION OF ONE OR MORE DATA CENTERS**

WHEREAS, Hilliard City Council passed Resolution 19-R-100 on December 9, 2019 authorizing the City's Director of Economic Development to enter into a Community Reinvestment Area ("CRA") tax abatement agreement with Amazon Data Services, Inc. ("Company") for the construction of one or more data centers at a to-be-determined location within the City; and

WHEREAS, the Company acquired approximately 103.9 acres of land along Cosgray Road, identified as parcel numbers 050-011715, 050-009807 and 050-011455 and 152.9 acres along Scioto Darby Creek Road identified as parcel numbers 050-003210, 050-003336, 050-002806, 050-003210, 050-002427, 050-002299 and 050-002301 (collectively, the "Properties"); and

WHEREAS, the City has encouraged the development of real property and the acquisition of personal property located in the areas designated as the Old Hilliard and I-270 West CRAs; and

WHEREAS, Council of the City of Hilliard, Ohio by Resolution No. 13-R-72 adopted October 21, 2013, designated certain areas in the City as the Old Hilliard CRA pursuant to Ohio Revised Code ("RC") Chapter 3735; and

WHEREAS, Council of the City of Hilliard, Ohio, by Resolution No. 17-R-31 adopted March 27, 2017 and Resolution No. 20-R-99 adopted November 23, 2020, added certain areas to the Old Hilliard CRA, and on May 15, 2017 and December 17, 2020 the Director of the Ohio Development Services Agency confirmed and certified the addition of these certain areas to the Old Hilliard CRA; and

WHEREAS, the Council of the City of Hilliard, Ohio by Resolution No. 04-C-54 adopted November 22, 2004, designated certain area in the City as the I-270 West CRA pursuant to Ohio Revised Code ("R.C.") Chapter 3735; and

WHEREAS, the Director of Development of the State of Ohio determined that the aforementioned areas designated in said Resolution No. 04-C-54 and Resolution No. 13-R-72, contained the characteristics set forth in R.C. Chapter 3735 and confirmed the Old Hilliard CRA by certification number 049-35476-10 on January 28, 2014 and I-270 West CRA by certification number 049354476-04 on November 14, 2005; and

WHEREAS, the Company desires to construct one or more data centers and related facilities with a total area of up to two million (2,000,000) square feet (collectively, the "Project"; each individual building within the Project, with its related site improvements, may be referred to as a "Building") at the Properties that are located within the Old Hilliard and I-270 West CRAs (collectively, the "Project Site"), provided that the appropriate development incentives are available to support the economic viability of the Project; and

WHEREAS, the City, having the appropriate authority for the stated type of project desires to provide the Company with incentives available for the development of the Project in the CRA; and

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WHEREAS, the Company has submitted a proposed agreement application (attached hereto as Exhibit "A" and incorporated herein by this reference) to the City (the "Application"); and

WHEREAS, the Company has submitted the required state application fee of \$750.00 made payable to the Ohio Development Services Agency with the application to be forwarded to said department with a copy of the final agreement; and

WHEREAS, the City has investigated the application of the Company and has recommended the same to this Council on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and improve the economic climate of the City; and

WHEREAS, the Project Site is located within the boundaries of the Hilliard City School District (the "School District") and the Tolles Career Center, and the board of education of each such district has been notified of the proposed approval of this Agreement in accordance with R.C. Sections 3735.671 and 5709.83, or has waived such notice, and has been given a copy of the Application; and

WHEREAS, pursuant to R.C. Section 3735.67(A) and in conformance with the format required under R.C. Section 3735.671, the parties desire to set forth their agreement in writing with respect to matters hereinafter contained; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The Council for the City of Hilliard finds that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities in the CRA and to improve the economic climate of the City. The Company agrees to use commercially reasonable efforts to make investments in connection with its operations at the Project Site of approximately two hundred million dollars (\$200,000,000) by no later than December 31, 2026. The Project will result in the creation of thirty-five (35) full-time jobs with an estimated annual payroll of \$2,450,000 by December 31, 2026, for which the Company will pay withholding taxes to the City of approximately \$49,000 per year throughout the term of this Agreement.

SECTION 2. The City Manager is authorized to enter into an amended CRA Agreement, substantially similar to the one attached hereto as Exhibit "B", with the Company providing a 100% real property tax exemption for fifteen (15) years (collectively, the "Exemption") on the increase in assessed value of the Property resulting from the Project. The City Manager is authorized to make such changes to the Agreement that are not inconsistent with this Resolution and not adverse to the City, which shall be evidenced conclusively by her signature thereof that such changes are approved by Council. The City Manager is authorized to enter into any other agreements or sign any documents necessary to effectuate the Agreement and the Exemption provided herein.

SECTION 3. Pursuant to R.C. Section 3735.671, the Board of Education of the School District has (i) approved the terms of this Agreement, including the one hundred percent (100%) real property tax exemption for fifteen (15) years; (ii) waived its rights to receive the forty-five day and fourteen-day notices under R.C. Sections 3735.67 and 5709.83; (iii) consented to the approval and execution of this Agreement; and (iv) approved and authorized the execution of a Compensation Agreement by and among the City, the Company, and the School District (the "Compensation Agreement"), a copy of which is attached hereto as Exhibit "C" and incorporated herein by this reference; and

SECTION 4. The Clerk of Council shall forward a certified copy of this Resolution, along with all exhibits and attachments, to the Ohio Development Services Agency within fifteen days after the Agreement is entered into pursuant to R.C. Section 3735.671(D).

SECTION 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all

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deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 6. This Resolution is effective upon its adoption.

21-R-37 APPROVING COUNCIL APPOINTMENTS TO THE PUBLIC ARTS COMMISSION.

WHEREAS, the Council of the City of Hilliard created the Public Arts Commission ("PAC") by Resolution No. 16-R-76 on October 24, 2016; and

WHEREAS, Ms. Mari-jean Siehl's appointment to the PAC expires on May 13, 2021, creating a vacant seat; and

WHEREAS, following advertisement for resumes, Mr. Michael Kent applied and has been recommended by the PAC to fill the vacancy;

WHEREAS, also, due to the change in the form of government, City Council desires to reappoint Bill Uttley to the PAC; and

WHEREAS, Mr. Kent and Mr. Uttley expressed a desire to accept an appointment to the PAC.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. City Council hereby appoints the following individuals to terms on the Public Arts Commission for the terms provided:

Name	Term
Michael Kent	May 14, 2021 to May 13, 2023
Bill Uttley	May 14, 2021 to May 13, 2022

SECTION 2. This Resolution shall be effective upon its adoption.

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